

Annesley H. DeGaris  
CORY WATSON CROWDER  
& DEGARIS  
2131 Magnolia Avenue  
Birmingham, AL 35205  
(205) 328-2200

*Attorney for Plaintiff Bronnie Lee*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: Fosamax Products** )  
**Liability Litigation** )  
 )  
***This Document Relates To:*** )  
**Bronnie Lee** )  
**1:07-cv-03248-JFK** )  
 )

**MDL NO. 1789  
1:06-MD-1789 (JFK)**

**UNOPPOSED MOTION FOR SUBSTITUTION**  
**FILED ON BEHALF OF PLAINTIFF BRONNIE LEE**  
**PURSUANT TO FED. R. CIV. P. 25(a)(1)**

The Personal Representatives of Bronnie Lee move the Court to substitute them as the Plaintiffs in this civil action as follows:

1. Bronnie Lee passed away on June 7, 2007. A Suggestion of Death and accompanying documents were filed on November 20, 2007.
2. Under North Carolina law, the claim of Bronnie Lee survives to her Personal Representatives. N.C. Gen. Stat. § 28A-18-1
3. Mrs. Lee did not leave a Will. Mrs. Lee's children, Rayford Yates Lee, Jr. and Walter Michael Lee, were appointed as co-administrators of Mrs. Lee's estate by the State of North Carolina in the General Court of Justice Superior Court Division. A copy of the Letters of Administration are attached to the Declaration of Annesley H. DeGaris filed with this Court on November 20, 2007.

4. The Personal Representatives request the Court to grant this motion and allow their substitution, in place and instead of Bronnie Lee and further allow for the amendment of the Complaint to state a claim for wrongful death.

5. This motion is not opposed by the Defendant.

Respectfully Submitted,

/s/

ANNESLEY H. DEGARIS  
CORY WATSON CROWDER &  
DEGARIS, P.C.  
2131 Magnolia Avenue, STE 200  
Birmingham, AL 35205  
Telephone: 205-328-2200  
Facsimile: 205-324-7896

COUNSEL FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 20<sup>th</sup> day of November, 2007 served a true and correct copy of the foregoing pleading by operation of the Court's Electronic Case Filing System to counsel of record in this case, including:

**James M. Doran, Jr.**

Waller, Lansden, Dortch & Davis  
511 Union Street Suite 2700  
Nashville, TN 37219  
(615) 244-6380  
(615)-244-6804 (fax)  
[jim.doran@wallerlaw.com](mailto:jim.doran@wallerlaw.com)

**Lela M. Hollabaugh**

Waller, Lansden, Dortch & Davis  
Nashville City Center  
511 Union Street  
Suite 2700  
Nashville, TN 37219  
(615) 850-8550  
(615)244-6804 (fax)  
[lela.hollabaugh@wallerlaw.com](mailto:lela.hollabaugh@wallerlaw.com)

**Theodore VanHuysen Mayer**

Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, NY 10004  
(212)837-6000  
(212)422-4726 (fax)  
[mayer@hugheshubbard.com](mailto:mayer@hugheshubbard.com)

**Christina Gaarder**

Venable, LLP  
Two Hopkins Plaza, STE 1800  
Baltimore, MD 21201-2978  
(410) 244-7400  
(410) 244-7742 (fax)  
[clgaarder@venable.com](mailto:clgaarder@venable.com)

/s/  
ANNESLEY H. DEGARIS